

BEFORE THE ARIZONA REGULATORY BOARD  
OF PHYSICIAN ASSISTANTS

In the Matter of

**LINDA MARIE VANDERBEEK , P.A.-C**

Holder of License No. 2867  
In the State of Arizona.

**CASE NO. PA-04-0064**

**LETTER OF REPRIMAND AND  
PROBATION**

**CONSENT AGREEMENT**

By mutual agreement and understanding, between the Arizona Regulatory Board of Physician Assistants ("Board") and Linda Marie Vanderbeek, P.A.-C. ("Respondent"), the parties agreed to the following disposition of this matter.

1. Respondent acknowledges that she has read and understands this Consent Agreement and the stipulated Findings of Fact, Conclusions of Law and Order. Respondent acknowledges that she understands she has the right to consult with legal counsel regarding this matter and has done so or chooses not to do so.

2. Respondent understands that by entering into this Consent Agreement for the issuance of the foregoing Order, Respondent voluntarily relinquishes any rights to a hearing or judicial review in state or federal court on the matters alleged, or to challenge this Consent Agreement and the Order in its entirety as issued by the Board, and waives any other cause of action related thereto or arising from said Order.

3. Respondent acknowledges and understands that this Consent Agreement and the Order will not become effective until approved by the Board and signed by its Executive Director.

4. All admissions made by Respondent are solely for final disposition of this matter and any subsequent related administrative proceedings or civil litigation involving

1 the Board and Respondent. Therefore, said admissions by Respondent are not intended  
2 or made for any other use, such as in the context of another state or federal government  
3 regulatory agency proceeding, civil or criminal court proceeding, in the State of Arizona  
4 or any other state or federal court.

5 5. Respondent acknowledges and agrees that, although the Consent  
6 Agreement has not yet been accepted by the Board and issued by the Executive  
7 Director, upon signing this agreement, and returning this document (or a copy thereof) to  
8 the Board's Executive Director, Respondent may not revoke her acceptance of the  
9 Consent Agreement and Order. Respondent may not make any modifications to the  
10 document. Any modifications to this original document are ineffective and void unless  
11 mutually approved by the parties.

12 6. Respondent further understands that this Consent Agreement and Order,  
13 once approved and signed, shall constitute a public record document that may be  
14 publicly disseminated as a formal action of the Board.

15 7. If any part of the Consent Agreement and Order is later declared void or  
16 otherwise unenforceable, the remainder of the Order in its entirety shall remain in force  
17 and effect.

18   
19 LINDA MARIE VANDERBEEK, P.A.-C

Dated: 9.22-05

## FINDINGS OF FACT

1  
2 1. The Board is the duly constituted authority for the regulation and control of  
3 physician assistants in the State of Arizona.

4 2. Respondent is the holder of license number 2867 for the performance of  
5 health care tasks in the State of Arizona.

6 3. On September 5, 2004, Respondent was arrested for unlawful possession  
7 of a prescription-only drug without a valid prescription, a class one misdemeanor offense.  
8 A.R.S. 13-3406(A)(1), (B)(1). Respondent failed to report that arrest to the Board within  
9 ten working days as required by ARS 32-3208.

10 4. On September 22, 2004 Respondent reported to the Board that she was  
11 abusing hydrocodone. Respondent was subsequently evaluated at the Betty Ford Center.  
12 After her evaluation Respondent presented to an inpatient treatment center for treatment.

13 5. On October 28, 2004 Board staff learned that Respondent's September  
14 report to the Board had been made after she had been arrested for prescription drug  
15 possession/use. The Board initiated case number PA-03-0036 after discovering that she  
16 had been arrested.

17 6. Respondent admitted to removing two bottles of hydrocodone from a  
18 pharmacy shelf and placing them in her bag. Respondent felt guilty for taking the  
19 medication and later returned it to the shelf. Respondent informed a friend ("Friend") of  
20 what she had done. Friend informed Respondent's supervisor ("Supervisor") and  
21 Supervisor called the police to file a report.

22 7. On November 5, 2004 Respondent was successfully discharged from the  
23 inpatient treatment center.

24 8. On March 10, 2005 Respondent signed an Interim Consent Agreement to  
25 participate in the Board's Monitored Aftercare Program.

1           9.     Respondent has been compliant with the terms of her March 10, 2005  
2 Interim Consent Agreement.

3           10.    The underlying investigation into the police report is complete and  
4 Respondent has agreed to enter a consent agreement for Probation.

5                                   **CONCLUSIONS OF LAW**

6           1.     The Arizona Regulatory Board of Physician Assistants possesses  
7 jurisdiction over the subject matter hereof and over Respondent.

8           2.     The conduct and circumstances described above constitute unprofessional  
9 conduct pursuant to A.R.S. §32-2501(21)(a) - ("[v]iolation of any federal or state law or  
10 rule that applies to the performance of health care tasks as a physician assistant.")

11          3.     The conduct and circumstances described above constitute unprofessional  
12 conduct pursuant to A.R.S. §32-2501(21)(d) - ("[h]abitual intemperance in the use of  
13 alcohol or habitual substance abuse.")

14          4.     The conduct and circumstances described above constitute unprofessional  
15 conduct pursuant to A.R.S. §32-2501(21)(q) - ("[u]sing controlled substances that have  
16 not been prescribed by a physician, physician assistant, dentist or nurse practitioner for  
17 use during a prescribed course of treatment.")

18          5.     The conduct and circumstances described above constitute unprofessional  
19 conduct pursuant to A.R.S. §32-3208 (A) - ("A health professional that has been charged  
20 with a misdemeanor involving conduct that may affect patient safety or a felony after  
21 receiving or renewing a license or certification must notify the health professional's  
22 regulatory board in writing within ten working days after the charge is filed.")

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1 authorized by statute authority or other applicable law to consider all relevant issues of  
2 Respondent's professional conduct and ability to safely and ethically engage in the  
3 performance of health care tasks.

4       **4.**     This Agreement will expire at the end of five (5) years unless the Executive  
5 Director orders its earlier termination or extends its time period; or alternatively, this  
6 Agreement may be terminated pursuant to proceedings conducted under A.R.S. § 32-  
7 2551.

8       **5.     Group Therapy.** Respondent shall attend MAP's group therapy sessions  
9 one time per week for the duration of this Agreement, unless excused by the group  
10 therapist for good cause such as illness or vacation. Respondent shall instruct the MAP  
11 group therapist to release to Board Staff, upon its request, all records relating to  
12 Respondent's treatment, and to submit monthly reports to Board Staff regarding  
13 attendance and progress. The reports shall be submitted on or before the 10th day of  
14 each month.

15       **6.     12 Step or Self-Help Group Meetings.** Respondent shall attend ninety  
16 (90) 12-step meetings or other self-help group meetings appropriate for substance abuse  
17 and approved by Board Staff, for a period of ninety (90) days beginning not later than  
18 either (a) the first day following Respondent's discharge from chemical dependency  
19 treatment or (b) the date of this Agreement.

20       **7.**     Following completion of the ninety (90) meetings in ninety (90) days,  
21 Respondent shall participate in a 12-step recovery program or other self-help program  
22 appropriate for substance abuse as recommended by the group therapist and approved  
23 by Board Staff. Respondent shall attend a minimum of three (3) 12-step or other self-help  
24 program meetings per week.

1           **8.     Board-Staff Approved Primary Care Physician.**     Respondent shall  
2 promptly obtain a PCP and shall submit the name of the physician to Board Staff in  
3 writing for approval.

4           **9.**     The Board-Staff approved primary care physician ("PCP") shall be in charge  
5 of providing and coordinating Respondent's medical care and treatment. Except in an  
6 *Emergency*, Respondent shall obtain Respondent's medical care and treatment only from  
7 the PCP and from health care providers to whom the PCP refers Respondent.  
8 Respondent shall request that the PCP document all referrals in the medical record.

9           **10.**    Respondent shall promptly inform the PCP of Respondent's rehabilitation  
10 efforts and provide a copy of this Agreement to that physician. Respondent shall also  
11 inform all other health care providers who provide medical care or treatment that  
12 Respondent is participating in MAP.

13           **11.   Medication.**    Except in an *Emergency*, Respondent shall take no  
14 *Medication* unless the *Medication* is prescribed by the PCP or other health care  
15 provider to whom the PCP refers Respondent. Respondent shall not self-prescribe any  
16 *Medication*.

17           **12.**    If a controlled substance is prescribed, dispensed, or is administered to  
18 Respondent by any person other than the PCP, Respondent shall notify the PCP in  
19 writing within 48 hours. The notification shall contain all information required for the  
20 medication log entry specified in paragraph 13. Respondent shall request that the  
21 notification be made a part of the medical record. This paragraph does not authorize  
22 Respondent to take any *Medication* other than in accordance with paragraph 11.

23           **13.   Medication Log.**   Respondent shall maintain a current legible log of all  
24 *Medication* taken by or administered to Respondent, and shall make the log available to  
25 Board Staff upon request. For *Medication* (other than controlled substances) taken on

1 an on-going basis, Respondent may comply with this paragraph by logging the first and  
2 last administration of the *Medication* and all changes in dosage or frequency. The log, at  
3 a minimum, shall include the following:

- 4 a. Name and dosage of *Medication* taken or administered;
- 5 b. Date taken or administered;
- 6 c. Name of prescribing or administering physician;
- 7 d. Reason *Medication* was prescribed or administered.

8 This paragraph does not authorize Respondent to take any *Medication* other than in  
9 accordance with paragraph 11.

10 **14. No Alcohol or Poppy Seeds.** Respondent shall not consume alcohol or  
11 any food or other substance containing poppy seeds or alcohol.

12 **15. Biological Fluid Collection.** During all times that Respondent is physically  
13 present in the State of Arizona and such other times as Board Staff may direct,  
14 Respondent shall promptly comply with requests from Board Staff, the group therapist, or  
15 the MAP director to submit to witnessed biological fluid collection. If Respondent is  
16 directed to contact an automated telephone message system to determine when to  
17 provide a specimen, Respondent shall do so within the hours specified by Board Staff.  
18 For the purposes of this paragraph, in the case of an in-person request, "promptly  
19 comply" means "immediately". In the case of a telephonic request, "promptly comply"  
20 means that, except for good cause shown, Respondent shall appear and submit to  
21 specimen collection not later than two hours after telephonic notice to appear is given.  
22 The Board in its sole discretion shall determine good cause.

23 **16.** Respondent shall provide Board Staff in writing with one telephone number  
24 that shall be used to contact Respondent on 24-hour/seven day per week basis to submit  
25 to biological fluid collection. For the purposes of this section, telephonic notice shall be



1 deemed given at the time a message to appear is left at the contact telephone number  
2 provided by Respondent. Respondent authorizes any person or organization conducting  
3 tests on the collected samples to provide testing results to the Board and the MAP  
4 Director.

5       **17.** Respondent shall cooperate with collection site personnel regarding  
6 biological fluid collection. Repeated complaints from collection site personnel that PA is  
7 not cooperating regarding collection may be grounds for termination from the program.

8       **18. Payment for Services.** Respondent shall pay for all costs, except  
9 contractor costs, associated with participating in MAP at time service is rendered, if  
10 required, or within 30 days of each invoice sent to Respondent.

11       **19. Examination.** Respondent shall submit to mental, physical, and medical  
12 competency examinations at such times and under such conditions as directed by the  
13 Executive Director to assist Board Staff in monitoring compliance with the terms of this  
14 Agreement and Respondent's ability to safely engage in the performance of health care  
15 tasks.

16       **20. Treatment.** Respondent shall submit to all medical, substance abuse, and  
17 mental health care and treatment ordered by the Executive Director, or recommended by  
18 the program director.

19       **21. Obey All Laws.** Respondent shall obey all federal, state and local laws,  
20 and all rules governing the performance of health care tasks in the State of Arizona.

21       **22. Interviews.** Respondent shall appear in person before the Board and its  
22 staff and committees for interviews upon request, upon reasonable notice.

23       **23. Address and Phone Changes, Notice.** Respondent shall immediately  
24 notify the Board in writing of any change in office or home addresses and telephone  
25 numbers. Respondent shall provide Board staff at least three business days advance

1 written notice of any plans to be away from office or home for more than five (5)  
2 consecutive days. The notice shall state the reason for the intended absence from home  
3 or office, and shall provide a telephone number that may be used to contact Respondent.

4       **24. Relapse, Violation.** In the event of chemical dependency relapse by  
5 Respondent or use of drugs or alcohol by Respondent in violation of this Agreement,  
6 Respondent shall promptly enter into a Interim Consent Agreement for Practice  
7 Restriction that requires, among other things, that the Respondent not perform health  
8 care tasks until such time as Respondent successfully completes an inpatient or  
9 residential treatment program for chemical dependency designated by Board Staff and  
10 obtains the affirmative approval of the Board to return to the performance of health care  
11 tasks. Prior to approving the Respondent's request to return to the performance of health  
12 care tasks, Respondent may be required to submit to witnessed biological fluid collection,  
13 undergo any combination of a physical examination, psychiatric or psychological  
14 evaluation oral competency examination or a board qualified written examination or  
15 interview for the purposes of assisting it in determining the ability of Respondent to safely  
16 return to the performance of health care tasks. In no respect shall the terms of this  
17 paragraph restrict the Board's authority to initiate and take disciplinary action for violation  
18 of this Agreement.

19       **25. Inactivation of License:** During the term of this Agreement, Respondent  
20 may not request that Respondent's license be inactivated.

21       **26. Notice Requirements.**

22       (a) Respondent shall immediately provide a copy of this Agreement to all  
23 supervising physicians, employers and hospitals and free standing surgery centers at  
24 which Respondent currently has privileges. Within 30 days of the date of the Agreement,  
25 Respondent shall provide the Board with a signed statement that Respondent has

1 complied with this notification requirement. Upon any change in employer or upon the  
2 granting of privileges at additional hospitals or free standing surgery centers, Respondent  
3 shall provide the employer, hospital or free standing surgery center with a copy of this  
4 Agreement. Within 30 days of a change in employer or upon the granting of privileges at  
5 additional hospitals or free standing surgery centers, Respondent shall provide the Board  
6 with a signed statement that Respondent has complied with this notification requirement.

7 (b) Respondent is further required to notify, in writing, all employers, hospitals and  
8 free standing surgery centers at which Respondent currently has, or in the future gains  
9 employment or privileges, of a chemical dependency relapse, use of drugs or alcohol in  
10 violation of this Agreement and/or entry into a treatment program. Respondent shall  
11 provide the Board with written confirmation that he has complied with this notification  
12 requirement within seven days of any of these events.

13 (c) Respondent shall immediately submit to the Board, under penalty of perjury, on  
14 a form provided by the Board, the name(s) and address(es) of all employers and all  
15 hospitals and free-standing surgery centers at which Respondent currently holds  
16 privileges to practice. Respondent is further required to, under penalty of perjury, on a  
17 form provided by the Board, immediately notify the Board of any changes in his  
18 employment and of any hospitals and freestanding surgery centers at which Respondent  
19 gains privileges after the effective date of this Agreement.

20 27. **Public Record.** This Agreement is a public record.

21 28. **Out-of State.** In the event Respondent resides or performs health care  
22 tasks in a state other than Arizona, PA shall participate in the PA rehabilitation program  
23 sponsored by that state's medical licensing authority or medical society. PA shall cause  
24 the other state's program to provide written reports to Board Staff regarding PA's  
25 attendance, participation, and monitoring. The reports shall be due on or before the 15th

day of March and September of each year, until the Executive Director terminates this requirement in writing.

**29.** This Agreement supersedes all previous consent agreements and stipulations between the Board and Respondent.

## DEFINITIONS


**"Medication"** means "prescription-only drug, controlled substance, and over-the counter preparation, other than plain aspirin and plain acetaminophen."

**"Emergency"** means "a serious accident or sudden illness that, if not treated immediately, may result in a long-term medical problem or loss of life."

**This Order is the final disposition of case number PA-04-0064.**

DATED AND EFFECTIVE this 7<sup>th</sup> day of October, 2005.

ARIZONA REGULATORY BOARD OF  
PHYSICIAN ASSISTANTS

By   
Timothy C. Miller, J.D.  
Executive Director



[Seal]

ORIGINAL of the foregoing filed this  
11<sup>th</sup> day of October, 2005 with:

**The Arizona Medical Board  
9545 East Doubletree Ranch Road  
Scottsdale, Arizona 85258**

Executed copy of the foregoing  
mailed this

11<sup>th</sup> day of October, 2005, to:

Linda Marie Vanderbeek, P.A.-C  
Address of Record.



Quality Assurance